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Department of State

TELEGRAM

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ACTION SS 70

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2638

INFO AMEMBASSY MOSCOW

USMISSION USUN NEW YORK

USMISSION NATO

~~SECRET~~ SECTION 1 OF 2 GENEVA 2978

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SUBJECT: ENDC -- SOV AUG 19 PROPOSAL FOR DRAFT SEABED TREATY

REF: GENEVA 2976

1. WHEN PRESENTING TEXT OF SOV DRAFT SEABED TREATY (REFTEL) AT CO-CHAIRMAN MEETING THIS AFTERNOON, ROSHCIN TOLD LEONARD THAT HE WAS INSTRUCTED TO MAKE FOLLOWING POINTS:

A. BEGIN QUOTE: SOV SIDE IS PROPOSING TO REACH AGREEMENT ON A MUTUALLY ACCEPTABLE DRAFT TREATY SO AS TO SUBMIT IT ON BEHALF OF USSR AND US TO ENDC AT ITS CURRENT SESSION, HAVING IN MIND THAT DRAFT APPROVED BY THE COMMITTEE SHOULD BE SUBMITTED TO 24TH GA.

B. SOV CONSENT TO PROHIBIT EMPLACEMENT OF WEAPONS OF MASS DESTRUCTION ON SEABED IS SUBJECT TO ACCEPTANCE BY US OF SOV PROPOSAL TO ESTABLISH 12 MILE MARITIME ZONE, AND IN THIS SENSE IS TO BE REGARDED AS CONDITIONAL.

C. PROHIBITION PROVIDED FOR UNDER ART I OF SOV DRAFT COVERS ANY OBJECTS WITH NUCLEAR WEAPONS OR ANY OTHER TYPES OF WEAPONS OF MASS DESTRUCTION AS WELL AS STRUCTURES, LAUNCHING INSTALLATIONS, OR ANY OTHER FACILITIES DESIGNED FOR STORING, TESTING OR USING SUCH WEAPONS REGARDLESS OF THE METHOD OF THEIR EMPLACEMENT ON THE

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SEABED.

D. PHRASE "ANY OBJECTS" (ART 1, SUBPARA 1) IMPLIES LAUNCHING INSTALLATIONS AND OTHER UNDERWATER FACILITIES, NUCLEAR MINES, VARIOUS STORAGE FACILITIES AND STRUCTURES DESIGNED OR CAPABLE OF BEING USED FOR STORING, TESTING, OR USING NUCLEAR WEAPONS AND OTHER TYPES OF WEAPONS OF MASS DESTRUCTION. END QUOTE (ABOVE LANGUAGE IS SOVDEL TRANSLATION OF ITS INSTRUCTIONS.)

2. ROSHCIN THEN SAID HE WOULD ATTEMPT ANSWER ANY QUESTIONS OF US DEL. FOLLOWING POINTS OF INTEREST WERE SUBSEQUENTLY COVERED:

A. ARTICLE 1. LEONARD NOTED THAT NEW SOV TEXT, UNLIKE US TEXT, DID NOT REFER TO "FIXED" NUCLEAR WEAPONS. HE ASKED WHETHER SOVS INTENDED BY THEIR WORDING TO PROHIBIT SUBMARINES CONTAINING NUCLEAR WEAPONS FROM ANCHORING OR RESTING ON OCEAN BOTTOM. ROSHCIN SAID THAT SUBMARINES SHOULD BE VIEWED LIKE ANY OTHER SHIPS, WHICH WOULD NOT BE VIOLATING TREATY IF THEY WERE ANCHORED TO BOTTOM. LEONARD SAID SOV LANGUAGE MIGHT HOWEVER CREATE MISIMPRESSION OR AT LEAST AMBIGUITY AS TO ITS COVERAGE. ROSHCIN SAID THAT IT WOULD BE MOST UNDESIRABLE TO USE WORD "FIXED" BECAUSE THIS WOULD GIVE IMPRESSION OF NARROWING THE TREATY'S PROHIBITIONS EXCESSIVELY AND WORD "FIXED" WAS NOT REALLY NEEDED. RE SECOND PARAGRAPH OF ARTICLE 1, SOVS EXPLAINED THAT THEIR LANGUAGE WAS BASED ON ARTICLE 1 OF NPT.

B. ARTICLE 2. LEONARD INQUIRED WHETHER SOVS HAD GIVEN MORE THOUGHT TO BASELINES PROBLEM. HE SAID THAT PROPOSED SOV LANGUAGE WOULD PERMIT SOME PARTIES TO DETERMINE UNILATERALLY THAT ADJACENT SEAS WERE NOT COVERED BY TREATY. HE ADDED THAT IT WAS NECESSARY FOR A BALANCE OF OBLIGATIONS TO BE ESTABLISHED, AND THEREFORE WE WOULD LIKE TO UNDERSTAND SOV THINKING ON THIS ISSUE. ROSHCIN SAID THAT BASELINES PROBLEM WOULD BE VERY DIFFICULT TO NEGOTIATE SINCE SOVS WOULD NOT BE WILLING OPEN UP THEIR INTERNAL SEAS FOR SEABEDS TREATY. ROSHCIN INQUIRED WHETHER US PROPOSAL WOULD BE TO HAVE SOV INTERNAL SEAS NOT ONLY COVERED BY TREATY BUT SUBJECT TO TREATY INSPECTION. LEONARD ANSWERED THAT HE WOULD REPORT QUESTION TO WASHINGTON. LEONARD ASKED WHETHER SOVS WOULD BE WILLING PROVIDE NAMES OF INTERNAL SEAS WHICH THEY WOULD WISH TO REGARD AS NOT BEING SUBJECT TO TREATY. ROSHCIN AGAIN EXPRESSED HOPE THAT THIS MATTER WOULD NOT HAVE TO BE SUBJECT OF NEGOTIATION BUT SAID HE WOULD REPORT

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QUESTION TO MOSCOW. LEONARD INQUIRED WHETHER SOVS INTENDED APPLY 1958 GENEVA CONVENTION IN DRAWING BASELINES. RIMERBAEV STATED THAT SOVS WERE PARTY TO 1958 CONVENTION AND USG SHOULD TAKE THIS INTO ACCOUNT. ALSO, 1958 CONVENTION DOES NOT SETTLE MATTER OF HISTORIC BAYS. IN CONCLUDING, ROSHCHIN AND TIMERBAEV REPEATED SEVERAL TIMES THAT SOV PROPOSAL WAS AS CONTAINED IN PARAGRAPH 1 OF ARTICLE 2. GP-3.

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C. ARTICLE 3. LEONARD INQUIRED WHY SOVS HAD NOT UTILIZED US CONCEPT OF "OBSERVATION" AND WHAT SOVS MEANT BY "RIGHT TO VERIFY". ROSHCIN SAID THAT MERE "OBSERVATION" WAS NOT AT ALL ATTRACTIVE TO MEMBERS OF COMMITTEE WHO WISHED TO SEE MORE SUBSTANTIAL RIGHTS OF VERIFICATION. THEREFORE, "RIGHT TO VERIFY" WOULD BE DEFINITE ADVANCE FOR THESE REPRESENTATIVES. HOWEVER, NET RESULT WOULD BE SAME AS THAT IN US DRAFT SINCE RIGHT TO VERIFY MUST BE CARRIED OUT "WITHOUT INTERFERING WITH SUCH ACTIVITIES (THOSE BEING VERIFIED) OR OTHERWISE INFRINGING RIGHTS RECOGNIZED UNDER INTERNATIONAL LAW, INCLUDING THE FREEDOM OF THE HIGH SEAS." ACCORDINGLY, "RIGHT TO VERIFY" WOULD INCLUDE SUCH ACTIVITIES AS OVERFLIGHTS, OBSERVATION FROM SHIPS AND EVEN OBSERVATION BY DIVERS. LEONARD INQUIRED WHETHER SOVS INTENDED INCLUDE "RIGHT OF ACCESS" IN "RIGHT TO VERIFY". ROSHCIN RESPONDED THAT "ACCESS" IN FORM OF VISITS AND ENTRY INTO FACILITIES WOULD NOT BE INCLUDED BECAUSE THESE WOULD INTERFERE WITH THE ACTIVITY BEING VERIFIED.

D. ARTICLE 4. SOVS EXPLAINED THAT THEIR AMENDMENTS PROVISION WAS BASED ON NPT.

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E. ABSENCE OF REVIEW PROVISION. LEONARD INQUIRED WHY SOVS HAD NOT INCLUDED US IDEA FOR REVIEW PROVISION, COMMENTING THAT THIS HAD EVOKED FAVORABLE RESPONSE IN COMMITTEE. ROSHCHIN STATED THAT NOT MANY MEMBERS OF COMMITTEE REALLY BELIEVED REVIEW CONVERGENCE WOULD ACHIEVE MORE COMPREHENSIVE PROHIBITIONS. NEIDLE ASKED WHETHER SOV DEL HAD IN MIND HOLDING SOME PROVISIONS FOR POSSIBLE DEVELOPMENT IN THE COMMITTEE ITSELF, SUCH AS A REVIEW PROVISION. RIMERBAEV SAID THAT ADDITION OF REVIEW PROVISION IN NPT HAD NOT MADE NPT ACCEPTABLE TO THOSE COUNTRIES THAT DISLIKED NPT.

F. ARTICLE 6. RE DEPOSITARY GOVERNMENTS, ROSHCHIN SAID THAT THESE SHOULD BE THE NUCLEAR POWERS, BUT AS IN CASE OF NPT WE SHOULD NOT SPECIFY US, UK AND USSR UNTIL WE HAVE GIVEN FRANCE A CHANCE TO DECIDE IF IT WISHED TO JOIN.

G. ON PREAMBLE, SOVS SAID SECOND PARA DERIVED FROM LIMITED TEST BAN TREATY AND FOURTH PARA REFLECTS SOV APPROACH THAT NUCLEAR MEASURE WILL BE A PARTIAL STEP.

3. PROCEDURE. LEONARD SAID HE WOULD, OF COURSE, REPORT SOV TEXT AND COMMENTS TO WASHINGTON AND REQUEST REACTION ASAP. HOWEVER, WE COULD NOT REPEAT NOT EXPECT TO HAVE INSTRUCTIONS IMMEDIATELY AND MEANWHILE WE MUST FACE TACTICAL PROBLEM OF WHAT TO TELL OTHER DELS WHO ARE NOW ANXIOUS TO MAKE PLANS REGARDING LENGTH OF THEIR STAY IN GENEVA. IN ADDITION, IT WOULD BE IN INTEREST OF CO-CHAIRMAN TO LEAD OFF TABLING OF DRAFTS BY OTHER DELS SINCE THIS COULD SERIOUSLY COMPLICATE PROCESS OF NEGOTIATION. THEREFORE WE WOULD PROBABLY WISH TO INFORM OTHER DELS THAT SOVS HAVE MADE SERIOUS STEP TOWARD OUR POSITION AND THAT WE NOW FORESEE CONCRETE NEGOTIATIONS ON DRAFT TREATY. WE MIGHT ALSO WISH TO CONSULT WITH OUR ALLIES ON SOV PROPOSAL.

4. ROSCHIN REPLIED THAT SOVS COULD NOT ATTEMPT SUGGEST A POSSIBLE ADJOURNMENT DATE BEFORE RECEIVING OUR RESPONSE TO THEIR PROPOSAL. HE SAID HE PLANS INITIALLY TO TELL SOV ALLIES GENERAL NATURE OF SOV PROPOSAL WITHOUT GOING INTO DETAILS. HOWEVER, TEXT WOULD PROBABLY BE GIVEN TO SOV ALLIES IN NEAR FUTURE. AS TO OTHER DELS, ROSHCHIN THOUGHT CO-CHAIRMAN COULD HINT THAT CONCRETE NEGOTIATIONS WERE BEGINNING SO THAT THEY WOULD UNDERSTAND REASON FOR REMAINING IN GENEVA. ROSHCHIN CONCLUDED THAT SOV DEL WAS PREPARED STAY ON IN GENEVA AS LONG AS NECESSARY TO REACH

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AGREEMENT ON SEABED MEASURE ALTHOUGH HE HOPED OUR RESPONSE WOULD PERMIT THIS TO BE DONE RAPIDLY. LEONARD ASKED IF SOVS HAD CONSIDERED POSSIBILITY OF SUBMITTING PARTIALLY AGREED TEXT TO UNGA. ROSHCIN SAID THIS FORMED NO PART OF SOV THINKING. SOVS WANT TO NEGOTIATE COMPLETE TREATY NOW.

5. ROSHCIN, AT SEVERAL POINTS, STRESSED THAT SOV GOVERNMENT HAD MADE DECISION TO ACCEPT MAIN PROPOSAL OF US, THAT SOVS HAD THEREFOR TAKEN MAJOR STEP TOWARD US POSITION IN INTEREST OF REACHING AGREEMENT, AND THAT SOVS THEREFORE HOPING THAT USG WILL NOT INSIST ON ITS PROPOSAL ONE HUNDRED PER CENT. GP-3.  
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